



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/146
17 March 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

Written statement* submitted by the Agence internationale pour le développement,
a non-governmental organization with special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 March 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

A deafening silence

A sombre anniversary: in February 1944, Russia deported large numbers of Chechens on the sordid and fallacious accusation that they were pro-Nazi ... In those days it was deportation trains, now it is "filtration" camps; then it was Stalin, now it is Putin.

The Chechen capital is at present sealed off by the Russian army, which is frantically sifting through the population. Not a day goes by without numerous accounts of summary executions of men, women, old people and children in Grozny and other Chechen localities.

In their all-out war against the Chechens, the Russians have made intensive use of high-explosive and destructive munitions.

The atrocities committed by Russian troops in the filtration camps remain concealed behind Russian censorship and the authorities' denials.

The Russian authorities, who are accused by the international organizations of "war crimes" on a large scale against the civilian population, are completing their blockade around Chechnya.

Humanitarian organizations are still denied access to the area.

Requests by Europe and the United States to send international observers are categorically rejected.

Stricter censorship is aggravating the almost total silence of the Western media

Unfortunately there is hardly any doubt about the facts: when a Government keeps denying the press access, when the information gathered by local human rights organizations is not released, there is good reason to be alarmed. Yes, the facts are there: thousands of people are being displaced each day. Some 120,000 to 150,000 have no access to food or water; 250,000 more, equivalent to three-quarters of the Chechen population, live with others, or under tents (19 per cent) or in railway carriages.

Conditions of hygiene are appalling. More than a third of the refugee children in the small neighbouring republic of Ingushetia are suffering from malnutrition.

Since the beginning of the war, Chechen medical facilities have been bombed deliberately and systematically.

Thousands of wounded have no access to medical care; women are left to drift in a devastated country, exposed to the arbitrary will of the Russian military.

Many refugees tell of summary exactions against the inhabitants of Grozny and the neighbouring villages, committed during the Russian army's advance in January and February of this year, at a time when the wave of violence against civilians was worsening.

No care for the wounded, a starving population, torture in the filtration camps where Chechens are detained ... These undeniably constitute "WAR CRIMES"

And while as we write sinister cleaning-up operations with all the exactions and liquidations they entail are still continuing in Grozny, the attention and indignation of world opinion are turned elsewhere, focusing on Austria or some other minor news.

Although the events in Grozny concern real facts, in the form of thousands of deaths, flagrant violations of human rights and international rules, and the practically systematic refusal to allow aid through to refugees and victims, Western Governments, clearly reluctant to antagonize the Russian authorities, timidly express their "concern".

Our NGOs (AIDE and AIDE Federation) are experiencing a feeling of profound humiliation at the lenient attitude shown by the United States and the European Union towards the situation in Chechnya.

Meanwhile, hard-pressed civilians have given up hoping for any decisive initiatives by the international organizations. Since the meetings in Helsinki and Istanbul, at which France had suggested possible measures against Moscow, protest has alternated with appeasement.

The alternatives right now are straightforward.

- either we turn a blind eye to the execution of a whole people,
- or we break the taboo surrounding its independence.

Chechen history and memory cannot and should not cause serious concern to those who are worried about the risk of a proliferation of separatist moves in Europe and who use this argument to bring all political action to a standstill.

We are faced here with a situation involving "war crimes", and even "crimes against humanity". Moscow is in fact a signatory to conventions making such crimes imprescriptible. The Russians have recently recognized some "errors". By appointing a representative for human rights in Chechnya, they are acknowledging the extent of the damage.

One argument put forward is that Russia is not a member of the European Union. Milosevic's Yugoslavia was not a member either, and Russia is definitely a member of other European institutions, the signatory of numerous conventions and an accepted partner of the major Western powers and of all sorts of formal and informal forums.

We are deeply shocked that Russia, a signatory to and therefore guarantor of the Geneva Conventions, of conventions on the protection of the civilian population, and of the protection of human rights, in addition to being a member of the Council of Europe and of the United Nations Security Council, is engaging in flagrant and repeated violations of these conventions.

There is increasing evidence, which leaves little room for doubt that the Russian defence budget has again become a priority, the army, receiving the lion's share of the State budget, is using every possible means to continue its dirty war, while the population is still struggling to make ends meet.

Our NGOs (AIDE and AIDE Federation) can only be astonished at the pusillanimous reaction of the Western powers. No formal condemnation has yet emerged from the Council of Europe. The London Club and French banks such as Crédit Lyonnais and BNP have even lightened the Russian debt burden. There has been no reaction either from the United Nations.

And yet, according to the Geneva Conventions, the civilian population and facilities cannot be the target of attacks. NATO's action in Kosovo has served as an example. The NGOs of the United Nations have no control over developments in Chechnya. NATO is afraid of upsetting its old opponent (which gave it the green light in Kosovo), the World Bank and the IMF, anxious to attract major debtor and client to the global market, refuse to stiffen the terms of their loans.

Europe, always ready sanctimoniously to object to xenophobic attitudes, turns a blind eye when a people is exposed to savage racism for reasons of State.

Might it not be worth now ceasing to look upon Russia with the sort of fear that has traditionally inspired Western policy towards Moscow?

We are seized with disgust when we see a few seconds' worth of pictures secretly filmed by a BBC reporter, which are screened for TV viewers with no comment, showing acts of barbarism by Russian forces, torture and inhuman exactions, all perpetrated without any reactions by Western leaders, who are usually so fussy about preserving human dignity.

Faced with this deafening silence on the part of the international community, and being aware as we are that there is no political will, that any measure that would embarrass the Russian Government is excluded, all we can do is write these few lines to strongly denounce these large-scale war crimes committed by Russian forces, to object to the lack of sanctions taken by the international community against Moscow, to emphasize that the consenting powerlessness of States before the barbaric behaviour of Russian troops in Chechnya only heightens the need for international criminal justice, and to call loud and clear for an immediate halt to repression and reprisals.

Our NGO (Agence Internationale pour le développement) and the AIDE Federation comprising 165 international NGOs, appeal to the United Nations Secretary-General to appoint a commission of independent experts of States and belligerents so that at the very least the needs of the civilian population may be assessed.

We call for humanitarian organizations to have free access to Chechnya and especially to Grozny, and for the immediate closure of filtration camps, where detainees are subjected to inhuman treatment and where extrajudicial executions are still occurring.

We consider that the time has come to ask clearly: are we going to wait until the facts have demonstrated after the event the genocidal intent of the Russian authorities before we object to the extermination of a whole people?

Must we wait for a whole people to disappear before we find out whether deliberate annihilation is in progress?

Finally, bearing in mind the lofty principles of the very recent humanitarian war in Kosovo, we cannot help thinking that very different standards are being applied in different places.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/147
21 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 11 of the provisional agenda

CIVIL AND POLITICAL RIGHTS

Written statement submitted by the International Federation of Human Rights
Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/11.

[20 March 2000]

*/ This written statement is issued, unedited, as received from the
submitting non-governmental organization(s).

The International Federation of Human Rights (FIDH) and the Kyrgyz Committee for Human Rights (KCHR) are extremely concerned about the violations of civil and political rights in the Kyrgyz Republic.

Although the Kyrgyz Republic is a party to the main international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and in spite of the commitments expressed by the current Government, the situation of human rights has been worsening. The main issues of concern are the following:

- a) During the preparation of parliamentary elections scheduled for the 20th of February 2000, numerous violations of the right to free and fair elections have occurred.
- b) Closely connected, the freedom of association and the right of peaceful assembly are constantly restricted and violated by national authorities.
- c) The situation concerning the freedom of expression and information, in particular the situation of journalists and the media, is deteriorating.
- d) Arbitrary and illegal detention, inhuman and cruel treatment of individuals are still a matter unchallenged by national authorities, aggravated by the perpetrators' total impunity.

a) Violations of the right to free and fair elections

Public local authorities obstruct the rightful representation of the different political trends in the Kyrgyz Republic, in total violation of the New Electoral Code (published in May 1999), of Article 8§2 of the Kyrgyz Republic, and their international obligations set out in Articles 19, 21, 25 of the ICCPR.

1. First of all, the registration procedure threatens the very existence of political entities. The New Electoral Code stipulates that they will benefit, for the first time, of fifteen seats out of sixty in the new Legislative Assembly. However, it conditions the participation in elections for parties which have been registered at least one year in advance (recent organisations like « Kairat El Party », the « Republican Party » and « Ar-Namys Party » are therefore excluded).

Moreover, a decision of the Ministry of Justice has enacted a new condition: if the Constitutive charter of a party does not mention explicitly their intention to run for elections, the party is considered as ineligible. This concerns parties regularly registered, such as « El Party », « Manas el Party », the « Labour Popular Party » or the « Party of Bishkek Dwellers ».

This restrictive regulation clearly expresses the authorities' reluctance to cooperate in the organisation and expression of the opposition.

2. Furthermore, due to an unfair registration procedure, several individual candidates faced difficulties to be registered (like Mrs. Zamira Sydykova, chief editor of the « Res Publica » newspaper).

3. Forced to act individually, candidates are in addition the target of systematic intimidation and arbitrary arrests. Several opposition members faced pressure from the authorities, such as Mr. Danyar Usenov (MP, Legislative Assembly, leader of the Popular Party of Kyrgyzstan - PPK), Mr. Felix Kulov (leader of Ar Namys Party), Mr. Bakyt Beshimov (MP, Assembly of People's representatives), Mr. Jypar Jeksheev (leader of the Democratic Movement of Kyrgyzstan), Mr. Ishenbai Kadyrbekov (MP, Legislative Assembly).

b) Violations of freedom of peaceful assembly and association

In accordance with Articles 21 and 22 of the ICCPR and with Article 16 of the Kyrgyz Constitution, Kyrgyzstan has the obligation to recognise every one's right to peaceful assembly and to freedom of association. Unfortunately, these rights are regularly violated, particularly at the stage of request for registration or authorisation for organising demonstrations.

4. Concerning the pre-electoral campaign, the Administration has regularly impeded the obtention of the required authorisation and many meetings have been unlawfully forbidden. Local authorities have repeatedly hindered the PPK, one of the main opposition parties, from campaigning.

5. National authorities manipulate the registration of human rights NGOs, granting it to groups that deal with uncontroversial issues or are loyal to the government, and denying it to groups whose work is more independent.

Registration is not a simple formality : without it, groups cannot rent offices, maintain a bank account to pay staff and cover routine expenses, enter into contracts, or obtain permission for organising demonstrations.

The Observatory for the Protection of Human Rights Defenders, a joint program of the FIDH and the World Organisation against Torture (OMCT) has called upon the national authorities in the case of the de-registration of the Kyrgyz Committee for Human Rights on the 28th of September 1998. Authorities attempted to use bureaucratic measures to delay its re-registration and registered, under the same name, another organisation loyal to the government, thus violating the Law on Public Associations (Articles 12 and 13). The KCHR challenged the legality of the Ministry of justice's decision, but no judicial instances accepted to deal with the issue. Following numerous protests from international organisations, the KCHR was allowed to re-register in August 1999.

6. Continued surveillance of human rights defenders, threats and harassment are others great hinders to human rights work. KCHR members are experiencing it at their own expenses. The Governor of the region summoned and threatened Mr. Albert Korgoldoev, regional co-ordinator of the KCHR in Jalal Abad, for his human rights activities. In December 1999, while being in hospital, Mr. Ramazan Dyrlydaev, chairman of the KCHR, was fined for non-appearance in court.

c) Violations of the right to freedom of expression and information, media freedoms

Article 16 of the Kyrgyz Constitution guarantees freedom of expression. However, the situation of the press is a serious concern as the Kyrgyz government tries to extend its control over the media, intimidates journalists and restricts access to information.

7. State and private TV stations and other means of media have faced persecution when trying to broadcast or print alternative views to official ones and have been impeded from broadcasting programs when they were meant to express criticisms of unlawful actions by law-enforcement bodies, public or political figures.

Moreover, the authorities abusively use defamation law, in contradiction with Article 19 of the ICCPR, by bringing numerous criminal libel suits against independent newspapers and journalists.

Three newspapers have been closed by a decision of the Ministry of Justice in 1998 and their chief editors had to face criminal charges. *Res Publica* newspaper has been condemned to pay an important fine, which led it on the edge of bankruptcy. The judicial decision has been viewed as

significant evidence of the dependence of the judiciary and the executive. Other newspapers faced invasion of their premises (like Asaba, in April 1999) or are subjected to constant fiscal check ups of taxation police.

d) Arbitrary and illegal detention, torture, ill - treatment and impunity

9. In Kyrgyzstan, torture and police brutality are a current practice. Although the United Nations Convention against Torture is in force since September 1997, the domestic legislation does not still define torture with the result that the specific offence of torture is not punishable by appropriate penalties¹.

10. Every hour people are subject to torture in the cells of the district police departments, pre-trial isolation facilities and isolation facilities for temporary detention. The frequent and excessive use of force by police authorities has sometimes even led to death in custody.

11. Children and women are no exception to such treatments. Children are submitted to physical and psychological pressure, illegally interrogated in absence of their parents, custodian or lawyer and often detained in custody with little or insufficient evidence. These acts are clearly violating the provisions of the Convention on the Rights of the Child, in force in the Kyrgyz Republic since October 1994.

12. Torture occurs mainly in law enforcement bodies' offices where police officers beat detainees in order to obtain self-incriminating statements. Unfortunately, every police officer has to solve ten crimes every month and the fulfillment of this quota takes precedence over justice.

13. Another area of serious concern is prison conditions. Legislature remains extremely weak and ineffective, containing few or no provisions protecting the rights of detainees. Those conditions include crowding, lack of medical treatment, inadequate food, lack of access to education. Such inhuman and degrading conditions have caused serious illnesses and several deaths of convicts.

According to the law, whenever there is evidence of acts that come under the definition of torture, competent authorities can open criminal proceedings but in practice, very few cases have been opened.

14. Finally, law enforcement authorities benefit from a total impunity : legal procedures that require investigation of reported cases of torture are rarely used. Individuals are indeed reluctant to introduce complaints to higher law- enforcement bodies, fearing further persecution from militia officers. Whenever they do, prosecutors often argue that there is no firm evidence of any crime.

15. In conclusion, the FIDH and KCHR urge the United Nations Commission on Human Rights to examine the situation and to call upon the Government of Kyrgyzstan to comply with its obligations under the international human rights instruments.

¹ The United Nations Committee against Torture confirmed the absence of definition, see CAT/C/23/6, par.5, (18/11/99).



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/148
22 March 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 5 of the provisional agenda

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER
COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted by International Alert, a non-governmental
organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[17 March 2000]

*/ This written statement is issued, unedited, as received from the
submitting non-governmental organization(s).

1. The mercenary problem: The need for a new approach

International Alert believes that the UN's legal and institutional response to the mercenary problem as it has manifested today is inadequate and something that urgently needs addressing. International legislation aimed at prohibiting mercenary activities is weak and is in any case not applicable to contemporary forms of the phenomenon, such as private security and military companies, which instead require special regulations - currently lacking in most contexts - to ensure the protection of human rights. The mercenary mandate in the Commission on Human Rights takes a narrowly conceived interpretation of the problem and is similarly out-of-date. International Alert recommends that the UN Commission on Human Rights review its approach to the mercenary issue and create a new mechanism which is properly equipped to address the problem.

2. Proliferation of mercenary activity

There is evidence to suggest that mercenary and mercenary-like activities have become more prevalent in conflict situations in recent years. They continue to be a major threat to the protection of human rights in the regions in which they operate. Whilst present in nearly all conflicts, they have been particularly active in armed conflicts in: Afghanistan, Angola, Armenia, Bosnia-Herzegovina, Chechnya, Columbia, Congo-Brazzaville, the Democratic Republic of Congo, Eritrea, Ethiopia, Georgia, Kashmir, Kosovo, Liberia, Papua New Guinea and Sierra Leone. The individuals themselves are from an equally extensive and diverse list of countries from the former-Soviet Union, Europe, the Middle East, the Americas and Africa.

3. Private security services

In addition to a proliferation of mercenary activity there has been an evolution of the mercenarism phenomenon with it taking on new and complex forms. The traditional mercenary - someone who fights for financial gain in armed conflicts alien to their own nationality - has been supplemented in recent years by the emergence of companies beginning to offer security and military services on the international market to governments, corporations and humanitarian agencies. These new manifestations display mercenary characteristics, but also differences, suggesting that they need to be tackled in different and innovative ways. There are now a plethora of non-state armed groups, including traditional mercenaries, volunteer religious and ideological forces, private security and military companies and private militia, which pose common challenges to the state as the principle provider of state security and the protection of human rights. This growing phenomenon has expanded largely unchecked by the UN.

4. Human rights violations

Mercenarism in whatever form undermines the sovereignty of states and the right of peoples to self-determination. Mercenaries may either violate the principle of non-interference or aggravate the development of legitimate security structures which respect the rights of a state's citizens. The threat they pose to the protection of human rights, however, is not restricted to the right of peoples to self-determination. Because international humanitarian

law denies mercenaries prisoner of war and combatant status there is less incentive for mercenaries to abide by humanitarian principles in the conduct of war. There have been numerous reports of mercenaries being implicated in attacks on civilian populations, mass bombings, killings, destruction of villages, summary executions, torture, mutilation and the use of indiscriminate weaponry. Incidences of private security and military companies working for governments violating human rights are less common. However, their links to mining companies and the exploitation of natural resources such as oil and precious minerals can undermine the right to development. International Alert recognises that mercenary and private security activity threatens the protection of human rights under a number of agenda items within the Commission on Human Rights.

5. The response of the United Nations

Since 1968, the UN General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights have repeatedly condemned the use of mercenaries as an internationally unlawful act that serves to undermine the exercise of the right of peoples to self-determination and the enjoyment of human rights. By resolution 44/34 of December 4 1989, the UN General Assembly adopted and opened for signature and ratification the *International Convention against the Recruitment, Use, Financing and Training of Mercenaries*. To enter into force, the Convention must be ratified by 22 States. To date 19 States have done so with a further 9 having signed, but not yet ratified.¹ In 1987, the UN Commission on Human Rights appointed a Special Rapporteur on the use of mercenaries to examine the adverse effects of mercenary activity, to solicit reliable information from governments and non-governmental organisations, and to encourage the ratification the International Convention. International Alert believes that the legal and institutional response to the phenomenon as it has manifested today is inadequate and something that urgently needs addressing.

6. The legal framework

A prohibition on mercenarism *per se* does not exist in international customary law; only in certain circumscribed instances which undermine the sovereignty and territorial integrity of states. The International Convention has yet to come into force, and is, in any case, replete with gaps and ambiguities. Furthermore, it has been noted by the Special Rapporteur that current international legislation on the use of mercenaries is not applicable to the activities of private security and military companies in most instances. To ensure that the activities of these companies do not contribute to violations of human rights and there is proper accountability for any wrongdoing, special regulations - currently lacking in most contexts - need to be developed. International Alert recommends that the Commission should work towards the prohibition of certain circumscribed mercenary activity whilst at the same time promoting the regulation of the rendering of other security and military services by private bodies due to the unique challenges they present to the protection of human rights.

¹ The following nineteen states have ratified the Convention: Azerbaijan, Barbados, Belarus, Cameroon, Cyprus, Georgia, Italy, Maldives, Mauritania, Qatar, Saudi Arabia, Senegal, Seychelles, Suriname, Togo, Turkmenistan, Ukraine, Uruguay and Uzbekistan. The following nine states have signed but have yet to ratify the Convention: Angola, Congo, Democratic Republic of the Congo, Germany, Morocco, Nigeria, Poland, Romania, and Yugoslavia.

7. UN Expert meetings

In view of the inadequacies of the international legal framework on mercenarism, the UN General Assembly (Press Release GA/AB/3350) adopted a resolution last year which recommends *inter alia* that the UN High Commissioner for Human Rights convene expert meetings to study and up-date the international legislation in force and to propose a clear legal definition to allow more effective prevention and punishment of mercenary activities. International Alert recommends a wide-angled approach to these meetings to take into account manifestations of mercenarism in all their forms.

8. The mercenary mandate

The current wording of the resolution which supports the mandate of the Special Rapporteur on the use of mercenaries refers ostensibly to the problem as it was experienced in post-colonial Africa and the precise role played by mercenaries in that era. As a result the issue comes under agenda item 5 of the Commission on 'The right of peoples to self-determination and its application to people's under colonial or alien domination of foreign occupation.' This narrowly conceived interpretation of the problem has severely restricted the utility of the mandate and moreover meant that the contemporary, and arguably more prevalent dimensions of the problem, may not come within its remit. Officially, there is no mechanism within the UN system to study and monitor this new strain of mercenarism to ensure that there is respect for human rights. International Alert recommends that the Commission remedy this deficiency in the UN's response to the mercenary issue by reviewing the current mandate in 2001 and broadening its scope to include private security groups.

9. A new approach

The mercenary and private security issue should not merely be dealt with as a matter of legal definition of the meaning of mercenary and consequent legitimacy within international law, but should also involve a process for dialogue and engagement with private security groups to ensure that there is respect for human rights and an appropriate response to any wrongdoing. International Alert believes that the Commission should work towards the prohibition of certain circumscribed mercenary activity whilst at the same time promoting the regulation of the rendering of other security and military services by private bodies due to the unique challenges they present to the protection of human rights.

10. Co-ordination with other UN bodies

There are currently numerous bodies and agencies in the UN dealing with discrete elements of the mercenary and private security issue. A co-ordinated approach is necessary to ensure an integrated and effective response to this multi-dimensional problem. International Alert believes that such a function would be best served by a new mechanism within the Commission. (International Alert does not think the proposal that the mercenary issue be dealt with in the Sixth Committee of the General Assembly, which appeared in the initial report of the Bureau on Enhancing the Effectiveness of the Mechanisms of the Commission, would be a useful way to proceed. The Sixth Committee is the body of the General Assembly responsible for the formulation and drafting of international legal instruments. Since the UN has already adopted an International Convention against mercenaries, which

has not yet come into force, there is little prospect of tackling the issue in this forum unless a new standard-setting exercise is envisaged. Furthermore, the Sixth Committee would not provide the necessary vehicle to report on the phenomenon and to enter into dialogue with governments and private security companies in ways which could help the promotion and protection of human rights.)

International Alert proposes that a new mechanism be devised by the Commission in 2001 to facilitate greater co-ordination with other UN bodies and agencies including: other Special Rapporteurs in the Commission and Sub-Commission, especially on Terrorism and Human Right because of similar aspects of the problems; the human rights treaty bodies; the Office of the High Commissioner for Human Rights, which should take a more proactive role in tackling the issue; the UN Security Council in view of Secretary General's recent statement on the protection of civilians, and the UN Commission on Crime Prevention and Criminal Justice, with practical reference to its current work on Transnational Organised Crime groups in view of the obvious connections.

11. The new mechanism

International Alert believes the existing mercenary mandate should be transformed into a new mechanism with a wider remit to address both mercenary and private security activity. In addition to promoting adherence and development of the existing legal framework, the mechanism would also provide a means to monitor and control the provision of private security services and conduct of private security companies and their employees so that they adhere to internationally agreed human rights standards. In particular it would:

- provide specialised expertise to study the modern phenomenon of mercenary and private security activity and identify internationally proscribed activities and those that require regulation;
- encourage UN Member States to ratify the *International Convention against the Recruitment, Use, Financing and Training of Mercenaries* and once in force consider ways to monitor its implementation;
- recommend new frameworks for the regulation and monitoring of private security services and provide advisory services with regard to national legislation;
- monitor and investigate the activities of private security groups and their involvement in human rights violations and ensure that any state using them does not obfuscate international scrutiny and accountability applicable to national forces;
- enter into dialogue with governments, corporations, humanitarian agencies and other users of private security groups to ensure respect for human rights;
- co-ordinate and liaise with other UN agencies and bodies to act as a focal point for the UN's response to this evolving issue.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/149
22 March 2000

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 5 of the provisional agenda

**THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS
APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN
DOMINATION OR FOREIGN OCCUPATION**

Written statement* submitted by the Federation of Associations for
the Defence and Promotion of Human Rights, a non-governmental
organization in special consultative status

The Secretary-General has received the following written statement, which is circulated
in accordance with Economic and Social Council resolution 1996/31.

[21 March 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

THE REFERENDUM ON THE SELF-DETERMINATION OF WESTERN SAHARA MUST BE HELD WITHIN THE STIPULATED TIME-FRAME

In his report S/1999/1219 of 6 December 1999, the Secretary-General of the United Nations, Mr. Kofi Annan, stated as follows: "It appears from section II of the present report that MINURSO might be faced with a lengthy process if it were to consider the appeals of tens of thousands of applicants. Under the circumstances, the prospect of holding the referendum within a reasonable period of time, instead of becoming closer, has become even more distant. The problems posed by the current number of appeals and their opposing positions taken by the parties on the issue of admissibility seem to allow little possibility of holding the referendum before 2002 or even beyond" (para. 28).

In the light of this report by the Secretary-General of the United Nations (the central issue of which is the problem of appeals - totalling 79,000 - that have been filed from the first provisional voter list, issued on 15 July 1998, and the consequent possibility of a further delay in the holding of the referendum on the self-determination of Western Sahara, issues which we shall be discussing below), on behalf of the Federation of Associations for the Defence and Promotion of Human Rights, we would like to draw attention to the following matters:

(1) We are clearly facing a new delaying tactic by the Kingdom of Morocco, designed to prevent the Saharawi people from exercising its right to self-determination in accordance with international law. This tactic is nothing new: virtually all stages of the peace process have been held up by Morocco, which is persisting in its refusal to cooperate with the United Nations mission, demonstrating that it has no interest in finding a solution to the conflict. (Among many other obstructionist manoeuvres, we note the refusal of the Moroccan Government to cooperate with the independent jurist, Emmanuel Roucouas, entrusted by the United Nations with resolving the cases of political prisoners, thus preventing a just and proper settlement of the situation of hundreds of disappeared Saharawis.)

(2) We denounce the inaction of the international community in the face of these countless violations of human rights, noting, in particular, the callous attitude of the Spanish Government, which, far from emulating the role played by the Portuguese Government in the process of self-determination of East Timor, is maintaining a grievous institutional silence, accompanied, of course, by fishing agreements in the Saharawi waters with the Government of Morocco, and, still worse, also accompanied by the sale of arms to that same Government. With regard to that sale of arms, we wish to draw attention to the study conducted by the UNESCO Chair on Peace and Human Rights of the Autonomous University of Barcelona, in December 1999, which states that, during the first half of 1999, Spain might have exported arms to an approximate value of 20,000 million pesetas, a figure exceeding the 15,079 million recently declared by the Government. The countries "benefiting" from this export (countries which are not complying with the requirements of the European Union Code of Conduct on Arms Exports) include: Turkey, Colombia, Saudi Arabia, Ghana, ... With regard to the sale of arms to Morocco, the UNESCO Chair states that, while official data indicate that the Spanish Government has sold transport vehicles to a value of 997.4 million pesetas, it is very likely that these are IVECO-Pegaso trucks, and that ordnance valued at 19 million pesetas has not been taken into account. In addition, according to the Chair, Morocco does not report these sales to

the United Nations Register of Conventional Arms. We deeply deplore this mercenary attitude of the Spanish Government, which - as so often before - is placing its economic interests above human dignity and human rights.

In the context of this unpardonable inaction on the part of the international community as a whole, we would like to recall the so-called "American Big Brother theory", according to which certain countries included within the circle of friends of the United States are exempt from criticism in their anti-democratic activities; there can be no doubt that Morocco is one of these obviously protected countries.

(3) We deplore the repeated and unpunished violations of human rights committed in the occupied areas of Western Sahara by the Moroccan security forces, in contravention of the international treaties signed by the Kingdom of Morocco. Among such violations, we can cite the **use of napalm and white phosphorus bombs, extrajudicial or summary executions, enforced disappearances** (a practice internationally prohibited under article 9 of the Universal Declaration of Human Rights, under articles 6, 7, 9 and 10 of the International Covenant on Civil and Political Rights and under the Declaration on the Protection of All Persons from Enforced Disappearance - General Assembly resolution 47/133 of 18 December 1992), the **practice of torture** (contravening article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights), **unlawful judicial procedures** (denying the rights recognized in articles 10 and 11 of the Universal Declaration of Human Rights and in article 14 of the Covenant on Civil and Political Rights), **arbitrary detentions** (in contravention of General Assembly resolution 43/173 of 9 December 1988), the **state of siege** and the **information blackout**, as well as the **implantation of settlers**, to distort the natural demographic composition of the Territory. It should be noted that these practices are being conducted by a system of repression comprising more than 250,000 Moroccan agents, grouped in the following bodies: the army, the Office for the Supervision of the Territory, the Judicial Police, the Royal Gendarmerie and the mobile intervention companies. (We believe that, as a precondition for the conduct of a free referendum, these services and bodies of the Moroccan State should leave the territory of Western Sahara during the process of that referendum.)

(4) In this general context of obstructionism, inexcusable inaction and violations of human rights, we consider it a serious error to postpone the referendum on the self-determination of Western Sahara until 2002 (or even later), as noted - although not endorsed - by the Secretary-General of the United Nations in his report S/1999/1219. As pointed out in this report, in paragraphs 4 and 5, both the Frente POLISARIO and the Government of Algeria maintain that "a strict interpretation of admissibility could reduce the time needed for completing the appeals phase". The same line is followed in the letter written by Richard Stanforth (Coordinator of the Western Sahara Campaign) to Mr. P. Hain, British Minister of State in charge of North Africa and the Middle East at the Foreign Office (see: <http://www.arso.org/wsc-1299.htm>). Bearing in mind that, as stated in paragraph 9 of the Secretary-General's report, "the great majority of the appeals filed indicate the names of witnesses who purportedly will provide, at the appeals hearings, new facts in support of the appellants' claim for inclusion", Richard Stanforth reminds us that, for an appeal to be admissible, it must first be proved "that the member of the Commission who ruled on the case was not aware of the subsequent circumstances or developments or of any facts cited in support of the appeal" (as stated in article 21 (d) (i) of the operational directives for the implementation of the appeals process, document

S/1999/483/Add.1, of 13 May 1999). In addition, it is clearly stated that this new information must be submitted with the appeal ("Consideration of the admissibility of an appeal shall be conducted by the section of the Appeals Chamber on the basis of the documents filed and available" - article 20 of the said guidelines). At the same time, Stanforth maintains: "If, as the Secretary-General notes, the majority of these applicants and witnesses fail to provide new information, the Western Sahara Campaign can only conclude that they must be rejected by the United Nations Appeals Chamber". Accordingly, what we are faced with is a clear intention to convert the process of appeals into a second round of identification: as stated in the Secretary-General's report, dated 28 October 1999 (S/1999/1098), "the more than 79,000 appeals received correspond exactly to the number of persons omitted from the first part of the provisional list of potential voters", the great majority residing in Morocco.

In the light of everything set forth above, the Federation of Associations for the Defence and Promotion of Human Rights expresses its concern at the possibility of a process of "Timorization" of the Saharawi problem, allowing it to fester and provoking an irrational outbreak of violence. (Nor can we discount the possibility of a resumption of the war, if the Saharawi people are let down once again. The Secretary-General of the Frente POLISARIO, Mr. Mohamed Abdelaziz, said in an interview (*El País*, 15 March 1991) that, if the Moroccan blockade causes the process to fail and no referendum is held on free self-determination, a vacuum will result which only the resumption of the war can fill.)

On the other hand, we express our doubt that the decision of the United Nations Security Council to carry out voter identification starting with the updated lists of the Spanish census of 1974 is being complied with, since, in December 1998, 147,000 persons had been identified (twice the number recorded in the Spanish census) and, as stated in the last report by the Secretary-General, "on 30 November 1999, the overall total of those identified since 1994 reached 190,023" (S/1999/1219, para. 8).

In conclusion, we wish to say that it is in the hands of the Secretary-General of the United Nations, Mr. Kofi Annan, to ensure that the operational directives for the implementation of the appeals process (S/1999/483/Add.1) are scrupulously observed, thus precluding any unnecessary postponement of the referendum on the self-determination of Western Sahara. We therefore request Mr. Kofi Annan to ensure the strict implementation of the operational directives.



Economic and Social Council

Distr.
GENERAL

E/CN.4/2000/NGO/150
31 March 2000

Original: ENGLISH, FRENCH
AND SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Joint written statement* /submitted by Europe-Third World Centre and Women's International Democratic Federation, non-governmental organizations in general consultative status, Afro-Asian People's Solidarity Organization, American Association of Jurists, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Association of Democratic Lawyers, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, North-South XXI, Women's International League for Peace and Freedom, World Movement of Mothers, Union of Arab Jurists, non-governmental organizations in special consultative status, and International Educational Development, International Progress Organization, Movement Against Racism and For Friendship Among Peoples, World Peace Council, non-governmental organizations on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 March 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

Result of the embargo and use of depleted uranium weaponry against Iraq

The above-listed non-governmental organizations are deeply concerned by the degradation of the economic, social and sanitary conditions in Iraq as a result of the embargo, and by the effects the contamination caused by the use of depleted uranium weaponry has on the population and the environment in Iraq. For these reasons, they organized a conference on 17 and 18 March 2000 in Geneva, under the title "Iraq: Embargo + Depleted Uranium = Genocide" at which more than 500 persons from different political orientations and professional backgrounds, notably jurists and scientists from around the world participated. We wish to transmit the conclusions of the Conference:

1. The embargo imposed on Iraq since ten years has caused hundreds of thousands of victims among the civilian population by depriving them of the primary means of survival. The successive resignations of responsible officials of the UN humanitarian aid program, and also the findings by UN Specialized Agencies, such as UNICEF, UNESCO, and FAO, have testified to the agony of 22 million Iraqis resulting from the embargo.
2. The indefinite prolongation of the embargo has destroyed the most developed sanitary system of the region, degrading the health conditions of the total population and making access to health services of a large sector of the population impossible.
3. The embargo threatens the future of Iraqi people. The massive destruction of the educational system and the enormous difficulties in daily life, have profoundly damaged the education of many children who can no longer receive even the most elementary education (UNESCO reported that 35% of children are not in school). The embargo is thus sanctioning several generations to come and is undoing the very social fabric so vital to the future of the country.
4. The bombardments of the allied forces in 1991 and those still carried on by the US and Britain against Iraq's civil population have destroyed the economic infrastructure of the most developed in the Middle East and have put back the country by several decades. These continuous bombardments are preventing the production of the most elementary and needed consumer goods. The targets of the daily bombings are the electric power stations to cut all industrial activity, and the water purification plants to make the life of the population unbearable.
5. The transport and communication systems are reduced to minimum because of the lack of vehicles, of spare parts, and of the general destruction of means. The trains are running at only 15% of their capacity. The imposed "No-Flying zones" by the unilateral decision of the United States and its allies are aggravating the already difficult conditions. Thus the transport of all goods, but in particular of food stuffs and drugs in the different provinces, are extremely reduced.
6. The consequences of the military operations carried out by the coalition during the Gulf - War are of extreme gravity, a fact confirmed by laboratories and by international experts. The utilization of new weapons with depleted uranium against Iraq have affected even 200 000 American and British soldiers who handled them, and have caused a high increase of cancer and other ailments, as well as malformations of newborns.

The 700 tons of depleted uranium dropped on the Iraqi population, the 135 000 tons of bombs, and the diverse tests of new military technologies have contaminated Iraq for a very long time to come, with a polluted and highly ionized air and an abnormal and dangerous radioactive land. In developing the notion that this having been a "clean war", the propaganda has in fact dissimulated a culture of death and vulgar short-sighted economic interests.

The conference considers that because of the unlimited embargo, above all due to the power of what oil can buy, Iraq has become a concentration camp where a people, "forgotten" by the mainstream media, is trying to survive and where the most vulnerable die in masses.

Such a destruction of a people, for whatever reasons there may be, is in total contradiction with the United Nations Charter, with the fundamental principles of international law, and with all the conventions and covenants relative to human rights and the right of peoples.

Beyond the implementation of the measures of the embargo whose legitimacy under the Charter itself is contested, the military use of depleted uranium, the continuous bombardments and all unilateral measures taken against Iraq, constitute a flagrant violation of general international law and of humanitarian law.

The conference considers that the observations and the analysis of facts exposed by the testimonies and by the films brought from Iraq by impartial personalities, show that not only is the embargo a violation of human rights, the destruction of the common wealth of the nation and of the civilian population by the ongoing bombardments a crime of war, but there is also an act of genocide by the use of depleted uranium which strikes every Iraqi on Iraqi territory, not for what he did but for what he is - an Iraqi.

The conference calls for an immediate stop to using depleted uranium weapons everywhere in the world.

The Conference calls on the international organizations, the governments of the international community, to explore every path toward ending the embargo and all unilateral sanctions, in particular the path of the International Court of Justice in the Hague to give its advisory opinion on the validity of the Security Council resolutions under the Charter, or the path of the International Commission charged with the establishment of facts in case of violations of humanitarian law (Article 90 of Protocol 1 of 1977 to the 1949 Geneva Conventions).

The above-mentioned NGOs, concerned by the inhuman and genocidal sanctions against Iraq, call on the UN Secretary-General, on the High Commissioner for Human Rights and on the President of the 56th session of the Commission on Human Rights, as well as on the Members of the Security Council, to take steps to lift the embargo, to provide effective aid for the reconstruction of the country, and to open an objective inquiry into the harm caused by the unilateral measures taken and by the depleted uranium, an inquiry whose findings cannot but lead to a compensation to Iraq and pinpointing the responsibility of those who dared make a people the guinea-pigs of military experimentation.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/151
3 April 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the International Federation of the ACAT
(Action of Christians for the Abolition of Torture), a non-governmental
organization in special consultative status

The Secretary-General has received the following written statement, which is circulated
in accordance with Economic and Social Council resolution 1996/31.

[30 March 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental
organization.

The International Federation of the ACAT (Action of Christians for the Abolition of Torture) is deeply concerned at the alarming situation prevailing in the Democratic Republic of the Congo.

The situation has deteriorated sharply since August 1998, when a fresh war broke out less than 15 months after the previous one had ended. The territory of the Republic is now divided between the Government in Kinshasa, which controls part of the West and South-East, and three rebel movements allied to the Rwandan, Ugandan and Burundian armies. Atrocities are committed against the civilian population in both areas.

In 1999, the Kinshasa Government perpetrated numerous violations of individuals' physical integrity and freedoms.

Numerous human rights militants, journalists, priests, political party officials and former members of the Zairean Armed Forces were arbitrarily arrested and detained without trial in National Information Agency (ANR), Detection of Unpatriotic Activities Police (DEMIAP) or Special Presidential Security Unit (GSSP) cells.

Several of these individuals were tortured during their detention. Among them were Stephane Ibanga and Mutua Ngwefa, arrested in Kinshasa on 17 May 1999 and tortured over a two-week period by the GSSP before being released without having been either charged or brought before a magistrate.

Using the war as a pretext, the Military Court, which is an emergency tribunal, is still handing down death sentences followed by execution with no possibility of appeal. The sentences often relate to incidents completely unconnected with the war. The de facto moratorium noted in late 1999 was lifted in early 2000 and executions have resumed despite the authorities' promises. The International Federation of ACAT strongly condemns these practices and calls on the Government to impose a moratorium on executions with a view to the total abolition of the death penalty.

The Kinshasa Government has also resorted, in violation of humanitarian law, to bombardments in which many civilians in Kisangani, Zongo, Libenge, Goma and Uvira have suffered.

The human rights situation in the part of the Congo occupied by foreign troops (Rwandan, Ugandan and Burundian) allied to the rebels is more disquieting still.

Many trustworthy reports speak of massacres, killings, summary executions, torture, kidnappings, arbitrary arrests, rapes, theft, pillaging etc. by these troops against the civilian population in the territory they occupy.

The following incidents may serve as examples:

- In South Kivu, massacres in Makobola (18 February 1999), Burhinyi (17 March 1999), Bunyakiri, Kalambi, Kalonge, in North Kivu, massacres in Luashi, Lukweti and

Murhanga. In both regions entire villages have been sacked and civilians' property plundered, supposedly to put down armed groups. Several hundred thousand people have been displaced by these acts of war.

- Attacks on members of the Catholic clergy have gone as far as killings, as in the case of Father Georges Kakuja who was murdered by Rwandan soldiers in Kalonge on 22 November 1999. The trend has continued in 2000 with the killing of Father Pepe on 15 February and the expulsion of the Archbishop of Bukavu, Mgr. Kataliko, from his diocese in the Ugandan-controlled zone.
- Torture is commonplace in many of the places where people are secretly held, including the homes of some of the occupying troops' officers. In November 1999 well-known public figures and opinion-shapers in Butembo (North Kivu) were arrested and heavily tortured by the RCD-ML security services, as a result of which former minister Lumbu-Lumbu died on 11 December.
- Freedom of expression and association have come under fresh attack. In Bukavu, the "Groupe Jérémie" human rights association has had its offices invaded and pillaged by RCD soldiers. Broadcasts by Radio Maendeleo (an NGO radio station) have been censored, then banned, and two of its officials were arrested then released after some days in detention.

The International Federation of the ACAT is outraged at the behaviour of the rebel and allied foreign troops, and insists they must stop these grave violations of human rights and humanitarian law. It demands the same of the armed gangs preying on the civilian population.

Given these massive and repeated violations of basic rights affecting a large part of the Congolese population, more than 1 million of whom have been displaced, the Federation calls on the Commission on Human Rights:

- To condemn these violations, and particularly the acts of torture, whether committed by the Congolese authorities or the forces in the occupied zone, and to demand that the forces in the occupied zone respect human rights and humanitarian law;
- To renew the mandate of the Special Rapporteur for the Democratic Republic of the Congo;
- To request the United Nations High Commissioner for Human Rights to strengthen the presence of her Office in the field and, in particular, reopen the office in Goma.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/152
3 April 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the International Federation
of Rural Adult Catholic Movements, a non-governmental
organization on the Roster

The Secretary-General has received the following written statement, which is circulated
in accordance with Economic and Social Council resolution 1996/31.

[30 March 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental
organization.

Rural, indigenous and citizen resistance movements

1. In November 1999, rural trade unionists and militants from non-governmental organizations, drawn from the five continents, held a seminar in Quito (Ecuador) on the subject of rural, indigenous and citizen resistance movements. Together with them, the rural movements grouped within the International Federation of Rural Adult Catholic Movements (FIMARC) bear witness to the fact that, throughout the world, resistance to liberalism is growing and the links between movements are being strengthened so as to enable rural and indigenous populations to speak out about their future and reverse the negative trends of globalization.

2. They firmly denounce the unacceptable practices of transnational corporations which hinder their development and ruin the economies of many countries. By their opposition to the patenting and commercial exploitation of living organisms and by their rejection of genetically modified seeds, they affirm their determination to preserve their food crops and the autonomy of their agricultural activities.

3. The Indian farmers who came to demonstrate in June 1999 in front of the headquarters of Novartis and of Nestlé were welcomed by Swiss farmers. The latter have realized that the human rights violations perpetrated by transnational corporations are yet more glaring and massive in the countries of the South. Thus all have received confirmation of the need to coordinate the struggle from one continent to another and to work together for sustainable development in solidarity.

Access to land, and impunity

4. The agrarian question is an essential issue in all developing countries and, more and more, in each country, it is becoming a political problem. Access to land and the difficulties met with in carrying out genuine agrarian reforms that respect the interests of small farmers are in many countries a source of serious conflict that leads to imprisonment, torture and murder.

5. Each year now 17 April is celebrated as the International Day of Rural Struggle, in commemoration of the massacre on 17 April 1996 in the state of Pará in Brazil of 19 farmers whose only "crime" was to demand a bit of land on which to work and live in dignity.

6. Rural organizations throughout the world have learnt of the scandalous conduct of the trial of three officers in charge of that military police operation against the rural workers of the Landless Movement. Their acquittal aroused the indignation of many popular organizations, both national and international. What is more, the highest authorities in Brazil have expressed their concern over that verdict and the impunity enjoyed by those who committed the massacre.

Armed conflicts are prejudicial to development and human rights

7. Such massacres are on the increase in areas where conflicts have turned into civil war and guerrilla operations detrimental to fundamental freedoms and the essential rights of the human person.

- In the Democratic Republic of the Congo the socio-political situation continues to deteriorate because of a permanent state of war. The population is suffering from this situation, which brings with it widespread inflation, police and bureaucratic harassment, a lack of health care, etc.
- Colombia is a country afflicted by civil war for several decades now that is sinking into an unprecedented political, economic and social decline, with violence claiming new victims every day.
- In East Timor, where independence has been bought at a very high price, that of a veritable genocide among the civilian population, the people's will must be respected and all necessary measures must be taken to guarantee peace.

Life before debt repayment

8. Peace, democracy and development go hand in hand. They affect and even determine all the other rights. The reimbursement of external debt and the structural adjustment programmes imposed by the International Monetary Fund and the World Bank are obstacles to the full achievement of economic and social rights. Three-quarters of the most heavily indebted poor countries are to be found in sub-Saharan Africa. Continued demands for the repayment of their debts inevitably lead them to make budget choices that reduce expenditure on health, education and other public services indispensable to the economic and social development of those countries.

Rural workers appeal to the Commission on Human Rights

9. The FIMARC movements wish to draw the attention of the Commission on Human Rights to:

- the need to step up the process of debt forgiveness for the heavily indebted poor countries and to embark on strategies to alleviate the debt of other developing countries;
- the urgency of tackling the rights to education, health, food and development with the same level of resources as is deployed for the other rights;
- the importance of the struggle to be waged by States against impunity, so as to prevent human rights violations (resolution 1999/34);
- the Working Group of the Sub-Commission whose mandate is to identify and examine the effects of the activities of transnational corporations on the enjoyment of civil, cultural, economic, political and social rights, including the right to development, the right to a healthy environment and the right to peace.



Economic and Social Council

Distr.
GENERAL

E/CN.4/2000/NGO/153
3 April 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by the International League for Human Rights,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 April 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

The International League for Human Rights is an NGO with special consultative status to ECOSOC, now in its 59th year. It works in partnership with the Memorial Human Rights Center of Moscow, whose representatives work in the armed conflict zone in the Chechen Republic and neighboring regions in the North Caucasus.

The government of the Russian Federation characterizes the current events in Chechnya as a police action, an anti-terrorist operation. However, in fact, a large-scale military campaign is underway in Chechnya, employing artillery, air strikes, and missiles. In the course of this operation, federal forces are storming cities and towns, some of which they are destroying completely. By all criteria, the Chechen conflict corresponds to the universally accepted definition of a non-international armed conflict. But the international community must act, proceeding exactly from this characterization of the Chechen conflict, and analyze the events according to the standards of humanitarian law, under the Second Additional Protocol to the Geneva Conventions.

We concede that the state not only can but at times should use force to protect its citizens. In fact, in 1997-1999, the need arose to counteract the criminal pressure from Chechnya, primarily the kidnappings for ransom. The invasion of armed formations from Chechen territory into Dagestan in August and September 1999 made it an obvious necessity for the government of Russia to take serious measures aimed at securing the safety of Russian citizens. For this purpose, armed force may be used within the limits of the law, with the conditions that it be discriminating, and proportional to the given threat.

However, all the ensuing actions of the Russian federal forces in the North Caucasus contradict the Constitution and law of Russia, and have violated international human rights standards. The practice of restricting the rights and liberties of citizens has been conducted on a massive scale (introducing a curfew, warrantless arrests and searches, etc.) which is permissible only under the conditions of a declared state of emergency. But the Russian federal government has not declared a state of emergency, thereby removing the actions of the Russian power structures (Interior Ministry, Army, Security) in Chechnya from any kind of oversight.

This is a violation of the International Convention on Civil and Political Rights. Moreover, statutes of the European Convention on Human Rights and Fundamental Freedoms have also been violated: the government of Russia could have only temporarily restricted civil rights if it complied with the procedure under Article 15 for derogation, providing for additional international oversight.

- 3 -

In the course of this conflict, the most egregious violations of human rights and humanitarian law have been committed by both sides of the conflict. However, the scale of victims among the civilian population and the magnitude of the material damage caused by the actions of the federal forces, are incomparably greater. Still, the main point is that the federal forces in Chechnya are the military and police under command of the internationally-recognized government of Russia. The Russian state, in signing a number of international legal documents, undertook the obligation to comply with human rights. That circumstance makes the human rights violations by federal forces particularly grave.

The civilian population is suffering from the disproportionate and indiscriminate use of force by federal troops.

Here is a typical example:

On October 27, 1999, the missiles were fired against the home of the well-known terrorist Shamil Basayev in Grozny. The house was destroyed and four of Basayev's body guards were killed. But also destroyed were no less than five two-storey houses, one five-storey house, and many one-storey houses. Numerous inhabitants were killed or wounded. That type of action has continued throughout all the months of the war.

Villages are subjected to destructive strikes even if Chechen units merely pass through them. Thus in late January and early February 2000, in the village of Katyr-Yurt, which Russian generals had previously declared as a safe area, 200 civilians died as a result of such shelling.

The killing of the civilian population is increased many times because when there are strikes against cities and villages in which there are many civilians, the weapons used are by their nature indiscriminate in action (fuel-air bombs, multirocket launchers, tactical missiles with cluster ammunition, and so on). Shelling with such weapon systems has been documented.

Throughout the entire conflict, "humanitarian corridors" for the safe departure of civilians are usually absent. Columns of internally displaced persons leaving Chechnya or fleeing combat zones are often subjected to air strikes and artillery fire.

Instances have been recorded when so-called "mop-ups" of villages (that is door-to-door searches of all homes) have been accompanied by murders and violence against civilians, and looting. This was the case in Alkhan-Yurt in early December 1999, in Staropromyslovsky District in Grozny in January 1999, and also on February 5, 2000, in the settlement of Novvye Aldy outside Grozny. Unfortunately, the Russian military prosecutor, who has been sent reports and complaints about these crimes, is demonstrating a complete lack of desire to seriously investigate them.

There are increasing reports of brutal treatment of detainees in detention facilities (the so-called filtration camps), where the practice of torture is widespread, for the purpose of forcing detainees to admit their cooperation with the separatists.

The Russian authorities are demonstrating disrespect for the right to receive and disseminate information, harshly restricting access to Chechnya by journalists and representatives of NGOS and humanitarian organizations.

Given this situation, it is understandable why hundreds of thousands of people have fled from Chechnya. These forcibly displaced persons live on the territory of Ingushetia under the most severe conditions, lacking the most basic necessities for living. Representatives of the Russian federal government have not ceased their attempts, using various methods, to force these people back to Chechnya.

The International League for Human Rights and Memorial Society call on the UN Commission for Human Rights to pass a resolution condemning the government of the Russian Federation for its massive violations of human rights, committed in the course of the armed conflict in Chechnya. We call for the sending to Russia of special rapporteurs, and for the Russian government to issue an invitation to the special rapporteurs and permit full and unimpeded access to:

1. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.
2. Special Rapporteur on Torture
3. Special Rapporteur on Violence against Women
4. Working Group on Arbitrary Detention
5. Special Representative to the Secretary General on Internally Displaced Persons

We request that the reports of these special procedures, along with the High Commissioner's reports and statements, be made at the next session of the Commission on Human Rights.

We are convinced that the massive violations of human rights and international law, committed in the course of the new Chechen war, are so serious that the time has come for the international community to respond seriously to them. In the last Chechen war, the international community displayed a shameful indifference to the massive atrocities. This should not be allowed to happen a second time.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/154
3 April 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD

Written statement*/ submitted by the International Federation of Social Workers,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[31 March 2000]

*/ This written statement is issued, unedited, as received from the
submitting non-governmental organization(s).

The International Federation of Social Workers views with alarm the long-standing and apparently systematic abuse of human rights in East Timor, as outlined in the Note by the Secretary-General, *Situation of Human Rights in East Timor* (A/54/660). Observers from the International Federation of Social Workers visited East Timor at the time of the Popular Consultation in August 1999, and again in November 1999. Their observations, and the statements they received from many people in East Timor, are consistent with the reports by the Special Rapporteur on extrajudicial or arbitrary executions, the Special Rapporteur on torture, and the Special Rapporteur on violence against women. Indeed, the view of IFSW observers is that there was probably more extensive human rights abuse in East Timor than has been documented to date. The IFSW observers were led to the inevitable conclusion that the responsible authorities at the time had at the very least allowed such human rights violations to occur, by taking minimal action to prevent them, and indeed there is evidence to suggest a more active role taken by military and police forces in the organisation, promotion and commission of human rights abuses in East Timor.

The IFSW observers were struck by the scale of the destruction which took place in September 1999, but were equally struck by the courage, determination and hope of the East Timorese people. They also expressed concern at the way in which many international aid and development agencies, including UN agencies, did not always seem to listen to the voices of East Timorese people in determining programs and priorities for aid and development. The same principle should be applied to human rights matters, including the ways in which human rights abuses should be investigated, the ways in which demonstrated abuses should be addressed, and the way in which human rights safeguards should be established in the new East Timor. East Timorese society has shown that it is strong, resourceful and community-based, and this needs to be taken into account in addressing human rights issues, for example in determining the extent to which a justice model, as opposed to a truth and reconciliation model, should be pursued.

The IFSW is concerned for the promotion of human rights, and the prevention of human rights abuses, as human rights is at the core of the social work profession. It is also concerned that in East Timor the views of the East Timorese people themselves should have priority. Accordingly the IFSW urges the United Nations:

- to engage in meaningful dialogue with East Timorese leaders, with community and Church representatives, and with existing East Timorese Human Rights Organisations, about the way in which alleged human rights abuses should be investigated and dealt with.
- to devote adequate resources and expertise to the continued investigation of alleged human rights abuses, in cooperation with East Timorese community representatives.
- to support East Timorese human rights organisations in the establishment of human rights monitoring mechanisms, and in pursuing human rights objectives.
- to work for the immediate return of the East Timorese refugees still in West Timor.
- to work with the Government of Indonesia to ensure that further encroachments across the border by former militia members are stopped.

The IFSW is willing and eager to offer the United Nations its skills and expertise in the pursuance of these objectives.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/155
3 April 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD

Written statement*/ submitted by Worldview International Foundation,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[3 April 2000]

*/ This written statement is issued, unedited, as received from the
submitting non-governmental organization(s).

Earlier this month the spokesperson of the Chinese Foreign Ministry was quoted by news agencies as proclaiming that today China enjoys the best situation of human rights in its history. As a Chinese who cannot now freely live in China, I do not agree to that statement like majority of the people in China. My own experience as a teacher who publicly criticised the Chinese government for its role in the 4 June 1989 massacre in Beijing has been devastating. I was imprisoned for almost three years for exercising my freedom of speech.

Today the call for a democratic China is once again suppressed as the leaders of the Democratic Party of China and many other dissidents were given harsh prison sentences for speaking up. The unreasonable ban on the practice of Falun Gong is another indication of disregard for basic human aspiration or believes. The Chinese Government even intercept donations sent by some people in different countries for the victims' families on the 4 June 1989 massacre in Beijing.

Mr. Chairman, when we speak of human rights, bodies like this Commission, cannot forgot the most vulnerable ones on our human planet. The oppressed, as we learned in the 20th century, generally become the victims who suffer the most. The situation of human rights in Tibet is one such example. The Chinese authorities has been committing gross and systematic violations of human rights and fundamental freedoms in Tibet with impunity. The international community just looks on! As a Chinese I condemn the policies implemented in Tibet by the Chinese Government.

Like other Chinese of my generation, I grew up thinking that China really "liberated" Tibet. We actually believed that the Chinese government was helping the Tibetans to be free from what the Beijing leadership calls, "serfdom". But when we had access to independent information on what actually transpired, we could not believe how the government indoctrinated us into believing its propaganda on Tibet.

Mr. Chairman, today more than 40 years after the People's Liberation Army forced its way into Tibet, Tibetans remain denied of their basic human rights, including the freedom of expression, the freedom to propagate and to practice their religion and the freedom to preserve their distinct culture and language. These days communist cadres regularly enter monasteries and nunneries to conduct the so-called "patriotic re-education" sessions whereby monks and nuns are forced to either denounce the Dalai Lama or to declare their support for the child the Chinese government picked to be the Panchen Lama. More than 11,000 monks and nuns have been expelled for opposing these indoctrination sessions, a human rights report said last month. The Dalai Lama in his 10 March Statement this year, described the current situation in Tibet as "witnessing the return of an atmosphere of intimidation, coercion and fear, reminiscent of the days of the Cultural Revolution."

Mr. Chairman, many Chinese are against the continued and unchecked atrocities being committed in Tibet by the Chinese Government. This realisation will definitely spread when more people in China learn about the true nature of the Chinese presence

in Tibet. A lot of people in China will also support the policy of the Dalai Lama to seek genuine self-rule in Tibet through a negotiated peaceful settlement of the Tibetan issue. Some analysts in China believe that the Chinese government is buying time as far as the Tibetan issue is concerned. In late 1999 a confidential Chinese document was revealed. In it a senior Chinese official is quoted as saying the following. "We have no need to engage in dialogues with the Dalai Lama. The Dalai Lama's return to China will bring a great risk of instability. We will then not be able to control Tibet. The Dalai Lama is now fairly old. At the most, it will be ten years before he dies. When he dies, the issue of Tibet is resolved forever. We, therefore, have to use skilful means to prevent his return."

Against this background, the people of Tibet or for that matter, the people of China, have no other way to appeal but to forums like this Commission whose thematic mechanisms continue to document the human rights abuses in Tibet and China. This Commission has the moral obligation to make countries, big or small, fully accountable for their human rights failures. The Commission on Human Rights should also not ignore the fact that a Security Council member of the United Nations is holding a 10-year-old boy Tibetan boy as the world's youngest political prisoner.

In conclusion, Mr. Chairman, if the UN Commission on Human Rights requires a credible outlook in the 21st century, member-countries cannot ignore the plight of the Tibetan people as it has done in the 20th century. We cannot belittle the world's longest non-violent freedom struggle by such discrimination. It is, therefore, appropriate for the Commission on Human Rights, this year to unanimously act on China and adopt a resolution which will greatly help to promote and protect human rights in China and Tibet.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/156
3 April 2000

ENGLISH
Original: SPANISH

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Fifty-sixth session
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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

Written statement* submitted by Médecins sans frontières (International),
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 March 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

Digno Sepa was 20 years old when he was imprisoned in Malabo in January 1998. He was never put on trial, but remained in prison until, in October 1999, after one of the habitual Equatorial Guinea police interrogations, his health deteriorated significantly.

Although he asked to be hospitalized, his request was repeatedly denied, until his family succeeded in obtaining permission for a doctor from Malabo Hospital to examine him. Nor were the clear instructions from the doctor for emergency hospitalization heeded. A week later, when permission was finally given, all that was left for his family to do was to claim the body.

More recently, 35 Bubi prisoners were transferred to the mainland, without the reason for that transfer or the whereabouts of the prisoners being known to date. The fact that the Equatorial Guinea prison system does not provide food or meet other basic needs gives us serious fears for the health and safety of those people, whose trial was a source of embarrassment to those of us who believe in human rights as something more than a declaration of principles.

Médecins sans frontières has been in Equatorial Guinea for 10 years. Ten years, during which our success in assisting the population has been accompanied by the screams that can be heard in the vicinity of the Bata police station.

We have lived with that people for 10 years; we have come to feel with them their longings, their hope, their joy and their disappointments. But we have also known fear: their fear of arbitrary detention, of harassment, of beatings, of their goods being seized; their fear of giving free and clear expression to their desires and intentions.

When we managed to obtain health facilities that worked, we too felt frustration at the fact that they were staffed by people connected to the clan in power, whose only goal was to divert the humanitarian aid that was delivered and to enrich themselves illegally.

Misappropriated funds, obstacles to our work and a total lack of interest on the part of the authorities were what led us to take the decision to leave the country, trusting that by fighting and denouncing the situation from abroad we could find solutions to improve the condition of the people of Equatorial Guinea.

At the very moment when we were deciding to withdraw from the country the Government of Equatorial Guinea was officially congratulating us on our work and inviting us to continue our collaboration under a future cooperation agreement to be signed with the Spanish Government, in which they claimed to include us as the reference NGO.

In Equatorial Guinea children are dying of preventable and curable ailments, the health infrastructure does not offer a minimum standard of quality for the care of the population, and the conditions of hygiene are highly conducive to the development of a host of diseases.

At the same time, Equatorial Guinea gives no sufficiently transparent account of the revenues it obtains from multinational oil companies or of how they are used, and its per capita income is incompatible with the existence of such a situation.

For all these reasons, Médecins sans frontières feels that it has exhausted its role in the field there, and we turn to you, representatives of the international community, to seek a solution.

The passivity demonstrated by the international community to date must, we feel, be transformed now into an energetic stand in defence of human rights, which officially form an intrinsic part of your foreign policies.

Spain has recently signed the promised programme of cooperation with this country. Although unfortunately it seems to us insufficiently clear and resolute, we have been invited by our Government to present proposals to improve the programme. We have, therefore, requested the assistance of various Spanish organizations in an effort to ensure that our Government adopts a decisive policy giving priority to the defence of human rights.

However, we cannot hide our concern that the Equatorial Guinea regime will find the usual bolt-holes in which it traditionally takes refuge when Spain hardens its diplomatic position.

Nor have the Governments of France and the United States shown any zeal in the defence of human rights.

Only last week, in the press, the President of Equatorial Guinea was congratulating himself on the unconditional support of both Governments.

Every statement must be contested, every violation denounced. Commitment to human rights requires something more than signing declarations.

We have just heard the conclusions of the Special Representative of the Commission, whom Médecins sans frontières wishes to thank for the clarity and professionalism of his work and the courage of his reporting.

Now it is up to the international community, it is time to move on to action and not to let a people, however small, be forgotten.

MSF is asking for a forceful resolution that will show the Equatorial Guinea regime that the international community will turn its back on it if it does not heed the clear recommendations of the Special Representative, recommendations consistent with those repeatedly formulated by his predecessors.

There are measures that can be taken before any request for technical assistance is made and that would be proof of a political will that has not existed up to now.

Finally, we request the European Union not to modify or adjust its relations with Malabo, unless the changes we refer to are made.

The people of Equatorial Guinea have great hopes of you, and the problems that Europe is experiencing should not mean that they are once again consigned to oblivion.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/157
3 April 2000

Original: ENGLISH, FRENCH
AND SPANISH

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD

Written statement*/ submitted by the International Confederation of Free Trade
Unions, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[3 April 2000]

*/ This written statement is issued, unedited, as received from the
submitting non-governmental organization(s).

The ICFTU draws the attention of the Commission to those countries where we have registered serious trade union rights violations in the past year, among them, in particular - **Burma, China, Pakistan, Bangladesh, Malta, Belarus, Kosovo, Serbia, Djibouti, Equatorial Guinea, Morocco, Swaziland, Zimbabwe, Colombia, and Guatemala.**

China - The ICFTU tables the long list of abuses of workers' and other rights in China, where the situation has markedly deteriorated in 1999. The ICFTU top priority remains the situation of over 30 independent trade unionists who are currently serving long sentences in Chinese jails, including those who had been sentenced for having co-founded the "Free Labour Union of China".

At a time when it is discussing the possible entry of China into the World Trade Organisation (WTO), it is imperative for China to agree to abide by the same commitments, which it has made to observe core labour standards. China's record of violations of its workers most basic human rights is impressive: independent trade unions are illegal, suppressed and their leaders imprisoned. Despite repeated requests from the ILO Committee on Freedom of Association, trade unions and human rights organisations, the Chinese Government has not revised its attitude or behaviour towards independent trade unions. In this respect, the ICFTU press the Commission to adopt a Resolution which should urge China's Government, amongst other things, to ratify without reservations, International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and to co-operate fully with the thematic procedures and mechanisms of the Commission.

The adoption of a Resolution by the Commission should not be seen as incompatible with the on going "human rights' dialogue", such as that presently carried out between China and the European Union.

Burma, The recent suspension of co-operation with Burma (officially called Myanmar) by the ILO, is following a resolution tabled en June 1999 at the International Labour Conference. It is an unprecedented move in the history of this institution calling on the ILO to refuse Burma all technical assistance and to ban the country's representatives from attending the meeting, because of the systematic use of forced labour by the ruling military junta. Our estimates show that up to 800,000 Burma citizens are subject to forced labour on any single day in a total impunity. Beside forced labour, we must also denounce the continuing repression of trade unionists and other dissidents by Burma's military junta. Trade unionists are likely to suffer torture or other severe mistreatment in the early stages of their detention, while held in locations controlled by the junta's Military Intelligence (MI).

Pakistan, The ICFTU urges General Perwez Musharraf to take urgent steps to ensure a return to constitutional rule in the shortest possible time and to stop the on-going curtail of the legitimate rights of workers and of their representative organisations in the country.

Bangladesh, The ICFTU express its grave concern about the continued unlawful detention of the president of the Bangladesh Jatio Sramik League (BJSI), who was arrested and detained by police on October 6, 1999 in relation to his legitimate trade union activities and about the other 30 arrested trade union leaders.

Colombia, Systematic repression, including assassinations of leaders and activists of Colombia's trade unions has not slowed down in 1999, showing the complete inability of the government to stop this carnage. 69 Colombian unionists were killed in 1999 and 676 were death threatens and 33 disappeared. The year soberly ended with another crime: Cesar Herrera Torreglosa, General Secretary of the Colombian agricultural workers' union SINTAINAGRO. It is therefore urgent that the new government programmes set up to ensure that those who receive death threats enjoy proper protection.

The ILO has recently appointed a Direct Contact Mission in order to investigate the situation in the country, prior to the vote on the establishment of a Commission of Inquiry, the harshest measure in this UN agency's legal arsenal which will take place during its the June 2000 session of the ILO Governing Body. In that context, governments must support the appointment of the ILO Commission of Inquiry. After more than 2,500 trade unionists have been murdered in Colombia over the last 12 years and hundreds more have disappeared or been forced into exile, the governments must take a clear stand over this unprecedented level of targeted repression against the trade union movement. The ICFTU calls the international community's attention to the fact that such selective repression of a group of people (in this case, trade union members, activists and leaders) may also be seen as a crime against humanity.

Guatemala, the ICFTU points out the string of violations of trade union rights in this country, especially against banana workers. A subsidiary of Del Monte, one of the main multinationals in the banana sector, on 27 September 1999 fired nearly 1,000 workers in Morales, violating collective agreements, refusing to negotiate, locking out workers and arranging for the mistreatment of trade unionists. The government of Guatemala must take all necessary measures to ensure that such acts will not remain unpunished and to ensure the physical and moral integrity of trade unionists and their family.

Morocco, the ICFTU strongly denounces the increasing anti-union repression in Morocco. At least 30 trade unionists have been arrested and sentenced or fined since the beginning of September 1999. The ICFTU Women's Committee, condemning the imprisonment of several women activists has addressed a specific protest to the Moroccan government.

Djibouti, In line with a recent formal complaint lodged by the ICFTU before the ILO for clear breaches of ILO Convention 87 on Freedom of Association, the ICFTU denounces the blatant interference of the government of Djibouti in the internal running of the UDT and UGTD. The repression of trade unionist is so strong that some of them must seek refuge abroad.

Equatorial Guinea, the ICFTU challenges the Government's claim that the country has moved towards democracy, since our evidence shows how workers have been trying without success for over five years to establish independent trade union organisations.

Swaziland, Massive problems continue to affect unions in Swaziland. The SFTU and its leaders continue to be harassed, intimidated and arrested.

Zimbabwe, In Zimbabwe, respects for trade union rights and civil liberties have deteriorated rapidly over the past two years.

Belarus, The ICFTU again denounces a Decree n° 2 issued by President Lukashenko at the end of January 99, which gives extraordinary powers to the State bodies for granting or refusing recognition to trade unions. The authorities continue to hamper the free functioning of independent trade unions.

Serbia, The ICFTU denounces the consistent violations of fundamental human rights, including freedom of association and of expression. In particular, we call the Commission's attention on attacks on journalists, as well as continuing interference in the right of independent trade unionists to operate freely.

Malta, The ICFTU strongly protests against the brutal police's attack on 20 August 1999 during an industrial dispute at Malta International Airport 36 of the strikers were arrested and dragged into trucks to be taken to police headquarters.

Kosovo, East Timor and other post-war situations - The ICFTU also stress its strong preoccupation about the lack of any genuine social dimension in the international community's activities aiming at the reconstruction of several war-torn countries, regions or areas, including Kosovo, other areas of the Balkan region and East Timor.
